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COVERT ACTION: A VERY AMERICAN DILEMMA

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Covert Action: A Very American Dilemma

Perhaps no other issue so starkly lays out the fault lines between the idealistic and realistic strains in American foreign policy, as does the subject of covert action. The title of this essay consciously reflects that of Gunnar Myrdal's classic study of race in America "An American Dilemma." Myrdal posited, accurately, that the conflict between stated American ideals of freedom, democracy, and equal justice and the realities of race discrimination created a tension that America would inevitably have to address or lose its way.

Beginning with World War II and Franklin Roosevelt's fascination with General "Wild Bill" Donovan and the OSS, United States leaders have seen covert action as an attractive tool for a dangerous world. Many proponents of covert action, from the Dulles brothers to Newt Gingrich, justify its use in "realist" terms. While I do not detail them in this paper, there are strong arguments for using covert action, especially when carried out as part of an agreed public policy and with adequate oversight and review¹. Generally these arguments focus on two elements -- necessity, i.e. extreme threats call for extreme responses, and effectiveness, i.e. some things can only be done covertly. However, none of these arguments address the heart of the issue -- that covert action is basically antithetical to the values that the United States espouses and to the policies that we would like to see other countries adopt.

¹ Roy Godson, "Dirty Tricks or Trump Cards" (Washington, National Strategy Information Center, 1995) Chapter 4

In an American society that fundamentally adheres to democratic ideals, covert action, by its nature creates a basic conflict. After first detailing why this is so, particularly for the United States, this paper will then examine the continuing consequences of the use of covert action on the United State, on our image of ourselves as Americans, and on our role in the world. The more closely we look at these effects, the clearer it is that the use of covert action will continue to create conflicts between our image of what we believe we should be and what we actually are. The depth of these conflicts and the mechanisms we devise to address them will, I believe, play an important part in deciding how we measure up to our image of ourselves and, thereby, in how effective we are at reaching our fundamental goals.

Creating the Clash

What is it that makes covert action inherently clash with democratic ideals? The answers are both simple and complex. Simple in one sense -- that covert action by its very nature is secret, democracy by its very nature is open. The definition of covert action in the Intelligence Authorization Act of 1991 states that to be covert, action must "not be apparent or acknowledged publicly"² This automatically makes decisions on covert action the province of a select few who decide on what covert actions to take and how to carry them out. This necessary secrecy removes decisions on covert actions from the forum of public

² As cited by Lloyd Salvetti, Covert Action Glossary (Reprint) in Course 5601 materials

debate in the legislature and from the examination of the public at large. It is here that the interaction between covert action and a democratic society can become quite complex.

Of course (at least in theory), elected officials or their designees make decisions on covert action, thereby preserving the role of the electorate, which elects (we hope) responsible officials. And, at least since the 1970s, the United States has operated under a system that requires some level of bipartisan legislative oversight. However, decisions made in secret, and which are intended not to become public, suffer from a number of weaknesses.

First, covert actions are often taken in difficult cases, situations where if there were open debate there would be great controversy over whether, not to speak of how, to act. In these situations the democratic process forces debate. Through this debate new ideas, variations, or compromises emerge which, regardless of their inherent correctness or lack thereof, have the indispensable value of having achieved the public support that comes from undergone the trial of open debate. When action is covert, it loses these advantages. This is particularly damaging in hard cases -- where it is most needed.

Second, the process of secrecy avails policy makers of the temptation to implement policies which could not win public acceptance because they are at odds with democratic values.

Third, after a public debate that validates a policy, those who execute the policy have a much firmer and clearer sense of the boundaries within which the policy should be carried out and still remain consonant with societal goals. Lacking that, boundaries are hard to distinguish and the ties of policy implementers to overall societal goals are much weaker³.

Fourth, the implementation of publicly-debated policies is subject to public and media scrutiny, diminishing the chances that they will violate societal norms. Secret policies, if kept secret, are not subject to this check/balance system.

Fifth, by limiting the number of legislators who provide oversight, it is more likely that you end up with a self-selected group of supporters of such policies (those who are opposed to the use of covert action will be very unlikely to be on the oversight committees).

Sixth, because democracies are open, it is more likely that the covert action will be exposed, either through leaks early on, or through mandated disclosures later. Such disclosures, even many years after the fact, can damage the international stature of a democracy.

³ See for example the bizarre story of how CIA counterintelligence honcho James Jesus Angleton kept a Soviet defector in a Washington attic for sixteen months in violation of both constitutional and statutory restrictions. Tom Mangold, "Cold Warrior: James Jesus Angleton the CIA's master Spy Hunter" (New York, Simon and Schuster, 1991)

For the United States these dangers are especially acute because of our role -- as perceived historically by most of the rest of the world, by Americans ourselves, and as proclaimed in our own national security strategy -- as the world's leading supporter of freedom, democracy and the rule of law. Covert action against other states, by its nature, violates these canons. Simply put, this is a conflict between realism, which offers that covert action is the most effective, lowest-cost way of achieving a goal and idealism, which holds that the extra effort, loss of efficiency, and even complete failure of a specific policy are acceptable costs in order to maintain the ideals which we claim. For the US addressing such a conflict should never be a simple task.

Consequences of Covertness

However, the questions raised by covert action are not simply consequences of a conflict between idealism and realism (few things are). An idealist would argue that the safest world for the US, and one which allows us to advance our most fundamental goals of "life, liberty and the pursuit of happiness" is a world made up of liberal, open, free-market democracies that abide by the rule of law. Therefore all actions which we take that detract from assisting such states to evolve diminishes our future security -- the core concern

of realists (of course realists would very likely argue that such a millennial state is either too remote or simply impossible).

Covert actions damage our interests in achieving such a world in three ways

First, they reduce our moral standing in front of others. By not practicing what we preach, by violating the rule of law⁴, and exalting expediency over principle, we reduce the chances others will follow our example

Second, they diminish the moral quality of our own society. When the government takes actions that do not comport with our core values, it becomes harder to mobilize a consensus for maintaining these values in our own society and reduces the support the people are willing to give to the government. As an example, the pervasive distrust of the USG exhibited in much of American mass culture from Doonesbury to the "X Files" is very often tied to claims of CIA wrongdoing in carrying out covert actions.

Third, they are likely to fail, especially in the long-term, when compared with policies launched with broad-based support that are consistent with our core

⁴ By rule of law I mean both international law and domestic laws of the countries involved. Even more broadly this is the concept that the "rule of law" -- a system of shared values promulgated in constitutions and democratically devised legislation -- should prevail over the "rule of man" -- the whims of a single ruler or small group that rule by force, not the consent of the governed.

values Our Cold War history is replete with instances where apparently successful covert operations, e.g. Iran and Guatemala in the early 1950s, later led to even more far-reaching failures, e.g. Cuba in 1959 and Iran in 1979.

Continuing Controversy

The controversy over covert action is as fresh as today's newspapers. The New York Times of September 13, 1998 ran a long article of excerpts from USG official communications from the period of our covert operations against Allende in Chile⁵ (such articles seem likely aimed at having the effect of diminishing the stature of the US as described above) The same newspaper on August 30 ran an article "Rethinking the Ban on Political Assassinations,"⁶ considering seriously (although in the end rejecting) the possibility of revoking the 1970's ban on the use of assassination as a tool of US covert action. On the other hand, some respected public figures call for the abolition of all peacetime covert action capabilities in the USG⁷. It is unlikely that such controversy will go away.

Deconflicting the Debate?

⁵ "Word for Word/Covert Action, All the President Had to Do Was Ask, The C I A Took Aim at Allende", September 13, 1998, Week in Review, p.7

⁶ New York Times, Week in Review, August 30, 1998, p 3.

⁷ See Senator Daniel Patrick Moynihan quoted in "In From the Cold The report of the Twentieth Century Fund Task Force on the Future of U S Intelligence" (The Twentieth Century Fund Press, New York, 1996 And ibid Comment on the report by Professor Brewster C Denny, p 25-26

During the Cold War, especially the nervous early years, US leaders were convinced they faced an implacable foe that would stop at nothing to destroy the US. Faced with this threat, with the background of the near-triumph of Nazi Germany, many of these leaders convinced themselves that they had a moral imperative to save the country that overrode all else, including the values that Americans saw as central to their existence. This attitude and its consequences played a major part in the societal conflicts that plagued the US in the 1960s and 70s. And, similar to Myrdal's analysis on the subject of race, this gap between US ideals and reality created strong conflicts. Some of these conflicts were resolved in new procedures adopted for covert actions in the 1970s, others were deferred. Now, with the end of the Cold War, there is a reexamination of the role of covert action⁸. At the same time there are many who feel strongly that covert action remains a necessary tool for US statecraft in a world where we face many hostile forces willing to use any means to attack us.

This does not mean, however, that we are back in the 1950s. We retain what is probably the strongest institutional set of restrictions on covert action of any major government. The continuing ability of the American press to ferret out (even after years of secrecy) the details of covert action also provides a degree of (often unwelcome) oversight.

⁸ E.g. "The Need to Know" Report of the Twentieth Century Fund Task Force on Covert Action and American Democracy" (New York, Twentieth Century Fund Press, 1992)

What the end of the Cold War has brought, however, is what some analysts see as the dawn of a "democratic peace." This concept, based on the fact that democracies rarely attack each other, posits that conflict, including war, will be reduced as more societies become democratic and adopt effective rule-of-law systems. This has relevance for covert action as well. According to one analysis⁹, democratic states are also less likely to carry out covert actions against each other. This raises at least the possibility that, as the number of democratic states expands (if this is a historical trend), the occasions for covert action might be reduced as well. This optimistic view is countered somewhat by historical examples, such as the widely reported use of covert action by the United Kingdom to encourage the US to enter WWI and WWII on the British side¹⁰.

Laying aside such overly optimistic scenarios, we are left with a situation in which US leaders will continue to be under pressure to use covert action to address new and old threats. It is incumbent upon policy makers who are faced with the decision to recommend such actions to weigh carefully the full panoply of likely results of that use. Only once all consequences are weighed -- short and long term, domestic and foreign -- should we decide to employ covert action. Unfortunately, from what we know of the decision-making process, it is likely this will remain an ideal rather than a norm.

⁹ See Bruce Russett, "Grasping the Democratic Peace: Principles for a Post-Cold War World" (Princeton University Press, 1993) Chapter 6. For a more nuanced view, including some strong critiques see the essays in Michael E. Brown, Sean M. Lynn-Jones, and Steven E. Miller (editors), "Debating the Democratic Peace" (Cambridge, Massachusetts, MIT Press, 1996).

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¹⁰ Godson, page 136